

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BARRY CALAMIA,

Plaintiff,

-against-

THE CITY OF NEW YORK, a municipal entity, NEW YORK CITY POLICE COMMISSIONER, RAYMOND KELLY, Individually and in his official capacity, NEW YORK CITY POLICE DEPARTMENT CAPTAIN "JOHN DOE", Individually and in his official capacity, NEW YORK CITY POLICE OFFICERS, "JOHN DOES", Individually and in their official capacities, NEW YORK CITY POLICE OFFICER, MARY CHRISTINE DOHERTY, Shield Number 24308, Individually and in her official capacity, and NEW YORK CITY POLICE OFFICER "JOE" PERRY, Individually and in his official capacity,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

04 CV 0639 (FB)(JMA)

WHEREAS, plaintiff commenced this action by filing a complaint on February 17, 2004, alleging that on or about February 21, 2001 to about June 18, 2001, his constitutional and common law rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

CLERK'S OFFICE
FILED *NSK*
U.S. DISTRICT COURT, E.D.N.Y. *QM*
★ JAN 06 2005 ★
BROOKLYN OFFICE

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of \$10,000 (Ten Thousand) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorneys fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants City of New York, New York City Police Commissioner Raymond Kelly, Sergeant Mary Christine Doherty, Police Officer "Joe" Perry, and parties identified as New York City Police Officers "John Does", and to release all defendants, any present or former employees or agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorneys fees.

3. Plaintiff shall execute and deliver to the City attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

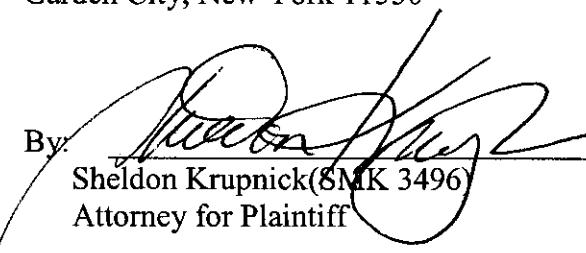
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
November 1, 2004

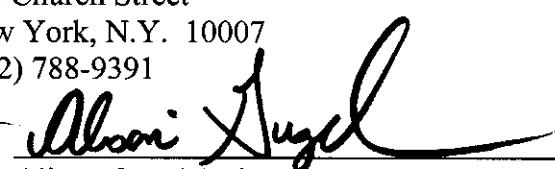
Sheldon Krupnick, Esq.
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100 Ring Road West
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By:


Sheldon Krupnick (SMK 3496)
Attorney for Plaintiff

MICHAEL A. CARDOZO
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City of New York
Attorney for Defendants
100 Church Street
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(212) 788-9391

By:


Alison Gugel (AG3698)
Assistant Corporation Counsel

\$Q ORDERED:

s/Frederic Block


U.S.D.J. 11/5/05



THE CITY OF NEW YORK
LAW DEPARTMENT

MICHAEL A. CARDODOZ
Corporation Counsel

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January 4, 2005

BY HAND DELIVERY

Honorable Frederic Block
United States District Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Barry Calamia v. City of New York et al.*, 04 CV 0639 (FB)(JMA)

Your Honor:

I am the attorney assigned to the defense of the above-referenced matter. The parties have agreed to settle the case. Accordingly please find enclosed herewith a fully executed Stipulation and Order of Settlement and Discontinuance for Your Honor's approval.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alison E. Gugel".

Alison Gugel(AG 3698)
Assistant Corporation Counsel

Enc.

cc: Sheldon Krupnick, Esq. (**by facsimile w/enc.**)
Attorney for Plaintiff
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